

Remarks

The Applicant elects Group I, claims 1-10, drawn to a semiconductor device, for examination at this time.

This election is made with traverse. According to the MPEP (see section 802.01), in order for a restriction requirement to be proper, the Examiner must show that the inventions are independent and distinct. Furthermore, in accordance with MPEP section 806.05(f), the Examiner must document a viable alternative process that can be used to make the device that would be materially different than the process claimed. That the Examiner has not done. In this case, the Examiner merely indicates that the dielectric layers can be deposited on a carrying substrate and then laminated onto a device substrate.

However, claim 11 is sufficiently broad that the claimed substrate can be either a carrying substrate or a device substrate. It is clearly not restricted to one or the other. As such, the Examiner's rationale for making the restriction requirement falls apart. The process that the Examiner asserts to be a "materially different" process, is not a materially different process, but rather falls within the scope of claim 11 presented to the Examiner.

In short, the Examiner has not made the proper showing required by MPEP section 806.05(f) to justify a restriction requirement and therefore the restriction requirement should be properly withdrawn.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being deposited with the United States Post Office with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents

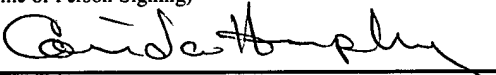
PO Box 1450, Alexandria, VA 22313-1450 on

December 3, 2004

(Date of Deposit)

Corinda Humphrey

(Name of Person Signing)

  
(Signature)

December 3, 2004

(Date)

Respectfully submitted,



Richard P. Berg  
Attorney for Applicants  
Reg. No. 28,145  
LADAS & PARRY  
5670 Wilshire Boulevard, Suite 2100  
Los Angeles, California 90036  
(323) 934-2300